

Remarks/Arguments

Reconsideration of this application is requested.

Extension of Time

A request for a three month extension of the period for response to the office action mailed on June 9, 2006 is enclosed. Since December 9, 2006 is a Saturday, the extended period for response expires on December 11, 2006.

Claim Status

Claims 2-13 and 15-19 were presented. Claims 1, 14 and 20 were previously canceled. Claims 2-13 and 15-19 are also canceled and replaced with new claims 21-38. Thus, claims 21-38 are now pending.

Claim Rejections -35 USC 112

Claims 2-13 and 15-19 are rejected under 35 USC 112, second paragraph, as indefinite. The Action identifies various phrases of the claims that are unclear and difficult to understand.

Applicant agrees that the language of claims 2-13 and 15-19 is unclear. Rather than make extensive amendments to those claims, applicant has replaced claims 2-13 and 15-19 with claims 21-39 that have been carefully drafted to clearly define the claimed invention.

Claim Rejections - 35 USC 102(b)

Claims 2-13 and 15-19 are rejected under 35 USC 102(b) as anticipated by Tsukahara (US 5,353,888).

In response, applicant respectfully traverses the rejections and submits that new claims 21-39 clearly distinguish over Tsukahara. Claims 21 and 33 are independent. The invention is perhaps best understood with reference to Figures 2 and 9 of applicant's specification.

Claims 21-32

As claimed in claim 21, a body frame (2) for a motorcycle comprises a down frame member (30) having sidewalls (30b) and a single connecting wall (30a) that connects the sidewalls (30b) to define a space opened upward in cross-section (see

Fig. 9). An external face (A) of the connecting wall (30a) faces downward. A tank rail member (31) has a C-shape in cross-section. Gussets (20) define vertical walls (21a) that connect the sidewalls (30b) of the down frame member (30) with the tank rail member (31).

Tsukahara discloses a motorcycle 1 with a body frame 2 comprising a main tube 11 extending rearwardly from an upper portion of a head tube 3, and a down tube 12 extending rearwardly from a lower part of head tube 3. Main tube 11 and down tube 12 are rectangular in cross-section (col. 2, lines 61-67). A gusset 51 is welded to head tube 3, main tube 11 and down tube 12 (col. 3, lines 9-11).

Since Tsukahara's down tube 12 is rectangular and closed in cross-section (see Tsukahara, Fig. 5), it does not comprise a single connecting wall and two sidewalls to define a space that is opened upward in cross-section, as is required by claim 21. Moreover, as is also required by claim 21, main tube 11 is not C-shaped in cross-section.

Tsukahara's head tube 3 includes a body portion 41 extending therefrom to reinforce and assist in the fitting of down tube 12 on head tube 3. Body portion 41 includes a reinforcement tongue 42 and bent portions 43 that are welded to down tube 12 (col. 3, line 38 to col. 4, line 15). However, body portion 41 is integral with head tube 3 (col. 3, line 62) and is not a part of a down frame member as is required by claim 21. Moreover, the bent portions 43 of body portion 41 are welded to down tube 12, and do not connect to gusset sidewalls as is also required by claim 21.

Dependent claims 22-32 are now clearly written and define many other features that are not shown or suggested by Tsukahara. Dependent claims 23 and 24, for example, recite that the upper and lower edges of the gusset walls are covered by and jointed to the sidewalls, respectively, of the tank rail member and the down frame member. In Tsukahara's Fig. 2, it is clear that gusset 51 has the opposite configuration and covers portions of down tube 12 and main tube 11.

Dependent claims 27-29 recite the specifics of the configuration of applicant's rear arm brackets 10. Rear arm brackets 10 also serve as reinforcement members

and have a U-shaped cross-section with external faces C oriented in a particular and advantageous manner. In particular, at the upper portions of arm brackets 10, external faces C face to the inside, whereas at the lower portions of arm brackets 10, external faces C face to the inside. Tsukahara, by contrast, merely discloses rear frames 14 without detailed description, and certainly without any suggestion or contemplation of applicant's configuration.

Accordingly, since Tsukahara does not disclose each and every element of claims 21-32, it cannot anticipate those claims.

Claims 33-38

Claim 33 recites a first reinforcing member (30) extending rearward from a lower end of a head pipe (7) and comprising sidewalls (30b) connected by a single connecting wall (30a) to define a space opened upward in cross-section, and a second reinforcing member (31) extending rearward from an upper end of the head pipe and comprising sidewalls (31b) connected by a single connecting wall (31a) to define a space opened downward in cross-section. Gussets (20) comprising vertical walls (21a) connect the sidewalls (30b) of the first reinforcing member (30) with the sidewalls (31b) of the second reinforcing member (31). The sidewalls (30b) of the first reinforcing member (30) are welded to and cover lower edges of the gusset vertical walls (21a), and the sidewalls (31b) of the second reinforcing member (31) are welded to and cover upper edges of gusset vertical walls (21a).

As discussed above, Tsukahara's main tube 11 and down tube 12 do not have single connecting walls with a downward- or upward-opened cross-section. As also discussed above, Tsukahara's gussets 51 are welded over the outside of (and therefore not covered by sidewalls of) tubes 11 and 12.

Dependent claim 34 recites that the first reinforcing member has a U-shaped cross-section and that the second reinforcing member has a C-shaped cross-section. As noted above, Tsukahara's tubes 11 and 12 each have a rectangular cross-section.

Dependent claims 35-37 are directed to details of the third reinforcing members (rear arm brackets 10) which, as discussed above, are not disclosed or suggested by Tsukahara.

Since Tsukahara does not disclose each and every element of claims 33-38, it cannot anticipate claims 33-38.

Conclusion

This application is now in condition for allowance. The Examiner is invited to contact the undersigned to resolve any issues that remain after consideration and entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
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